

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**Edward Butowsky,**

Plaintiff,

v.

**David Folkenflik, et al.,**

Defendants

**Case No. 4:18-cv-442-ALM**

**PLAINTIFF'S RESPONSE TO DEFENDANTS' NOTICE OF SUPPLEMENTAL  
EVIDENCE IN SUPPORT OF MOTION TO COMPEL**

NOW COMES Edward Butowsky, the Plaintiff, responding to the Defendants' Notice of Supplemental Evidence in Support of Motion to Compel (Doc. No. 132):

Rather than waste the Court's time, the Plaintiff will concede that his earlier record productions were very inadequate. The Plaintiff apologizes to the Court and to the Defendants. Since 2017, the Plaintiff has had ten surgeries plus 33 other medical procedures because of a defective hip implant (and resulting infections), spending weeks at a time in a Dallas-area hospital. *See* Declaration of Edward Butowsky (Exhibit 1). Even when he was out of the hospital, the Plaintiff was often unable to assist with discovery because he was incapacitated. *Id.* The undersigned has taken over the duties of lead counsel, and he has committed himself to insuring that discovery is handled correctly in the future. The undersigned believes that he is capable of insuring that all of the Plaintiff's accounts and devices are thoroughly searched, but the Plaintiff will, of course, follow any further directions from the Court.

Respectfully submitted,

**/s/ Ty Clevenger**

Ty Clevenger

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**Attorney for Plaintiff Edward Butowsky**

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document was filed electronically with the Court's ECF system on May 20, 2020, which should result in automatic notification to all counsel of record.

**/s/ Ty Clevenger**

Ty Clevenger